

REMARKS/ARGUMENTS

1. Summary of the Office Action

Claims 1-5, 10-12, 15, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Noble et al., U.S. Patent No. 5,760,636 (Nobel), in view of Clark et al., U.S. Patent No. 6,425,086.

Claims 13-14, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nobel et al., U.S. Patent No. 5,760,636, and Clark et al., U.S. Patent No. 6,425,086, in view of Gebara et al., U.S. Patent No. 6,035,407.

2. Response to § 103 Rejections

In accordance with 35 U.S.C. §103(c), “subject matter developed by another person, which qualifies as prior art only under one or more of subsections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.”

In support of the required common ownership under 35 U.S.C. 103(c), it is hereby averred that the current application (Application Serial No. 09/994,982) and the Clark reference (U.S. Patent No. 6,425,086) were, at the time the invention was made, owned by, or subject to an obligation of assignment, to the same organization. The Applicant submits that such statement alone is sufficient evidence to establish common ownership of, or an obligation for assignment to, the same organization. See M.P.E.P. 706.02(l)(2)(II).

Clark was granted on an application for patent filed by another in the U.S. on April 30, 1999. This filing date precedes the November 26, 2001 filing date of the present

application. Based on these dates the Examiner has properly cited Clark as a reference under §102(e)/§103(a).

Accordingly the Applicant respectfully submits that Clark has been removed as a valid reference under 35 U.S.C. 103(a) against the claims of the current application.

Because neither Nobel, nor Gebara, nor a combination thereof disclose each and every element of independent claims 1, 10, 15, 18, and 21, these claims and their respective dependent claims are patentable and should be allowed.

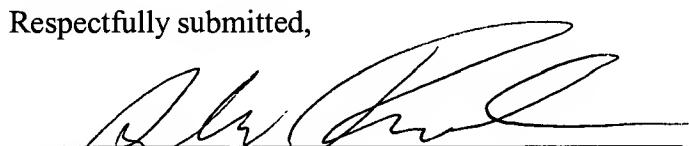
3. Conclusion

Having tendered the above remarks and amended the claims as indicated herein, Applicant respectfully submits that all rejections have been addressed and that the claims are now in a condition for allowance, which is earnestly solicited.

If there are any additional charges, please charge Deposit Account No. 02-2666. If a telephone interview would in any way expedite the prosecution of the present application, the Examiner is invited to contact Elena Dreszer at (408) 947-8200 ext. 209.

Respectfully submitted,

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